



February 8, 2019

VIA EMAIL: Charterschool.appeals@tn.gov
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Re: Appeal of Gateway University Charter School Revocation

Dear State Board:

I write as counsel for Gateway University Charter School to submit notice that Gateway and its governing board desires to appeal the revocation of its charter agreement by Shelby County Schools. The decision to revoke Gateway's charter by Shelby County Schools was contrary to Tenn. Code Ann. § 49-13-122, and should be overturned.

According to the statement issued by Shelby County Schools, the Shelby County Schools Board of Education revoked the charter agreement of Gateway University under Tenn. Code Ann. § 49-13-122(b)(1) for "material violation[s] of any conditions, standards, or procedures set forth in the charter agreement." In fact, the investigation into Gateway, when viewed in light of the substantial amount of information and materials provided by Gateway, did not prove material violations of conditions, standards or procedures in Gateway's charter agreement to support revocation. Additionally, while Gateway understands that its appeal can only be successful in the event of a finding that the revocation was contrary to Tenn. Code Ann. § 49-13-122, Gateway further notes that the revocation process was conducted in a manner which did not provide adequate due process.

THE REVOCATION WAS CONTRARY TO TENN. CODE ANN. § 49-13-122

Shelby County Schools Office of Charter Schools ("OCS") conducted an investigation after receiving allegations regarding Gateway from a former employee. According to OCS, it conducted an investigation into six allegations, and at the end of the investigation, it issued investigation conclusions finding some evidence to substantiate four of the allegations:

- Gateway University's governing board did not hold legitimate meetings during the 2017-2018 school year;
- Gateway University awarded grades for classes in which students did not receive instruction – Academic Seminar and Geometry;

- Gateway University employed several uncertified teachers; and
- Gateway University employed a teacher who had not cleared a background check.

ALLEGATION 1:

**GATEWAY HAD A NON-FUNCTIONING GOVERNING BOARD THAT DID NOT
HOLD LEGITIMATE MEETINGS DURING THE 2017-2018 SCHOOL YEAR.**

Contrary to the Office of Charter Schools' findings, Gateway University had a functioning board that did hold legitimate meetings. Gateway University had eight board members to start the 2017-2018 school year, all of whom participated in board and governance training by the Tennessee Charter School Center. While three members left during the school year, there were five remaining members. Gateway updated its website to reflect the change in board membership. The Board held 10 meetings, with a quorum at each meeting, and recorded minutes for each meeting. Additionally, efforts were made to try to recruit new members to reach Gateway's goals for its board. Information regarding Gateway's Board was provided to Shelby County Schools Office of Charter Schools.

The OCS finding regarding Gateway's board was contradicted by the evidence put forth by Gateway, and in any event, the facts regarding Gateway's board do not demonstrate a material violation of Gateway's charter agreement as alleged in support of the revocation.

ALLEGATION 2:

**GRADES WERE AWARDED IN TWO CLASSES – ACADEMIC SEMINAR AND
GEOMETRY – IN WHICH STUDENTS DID NOT RECEIVE INSTRUCTION**

According to the office of Charter Schools, "[t]he evidence appears to substantiate the allegation that students did not receive instruction from a full-time Geometry teacher, and that the quality of the curriculum and classroom time dedicated to the instruction is questionable." In fact, students did receive instruction in Geometry, through a blended learning model. Gateway has presented, and will reiterate in detail in the course of this appeal, the details of its Geometry course. With respect to academic instruction, Gateway only used the academic plan, including the instructional goals, and methods and classroom instruction that it established in its approved charter contract for all courses, including Geometry. Gateway's core instructional strategies and methods include direct instruction, problem and project-based learning, blended learning, small group instruction, and individualized instructional support.

The evidence presented demonstrated that Gateway provided instruction for its Geometry class, and do not demonstrate a material violation of Gateway's charter agreement as alleged in support of the revocation.

ALLEGATION 3:

**GATEWAY RELIED ON UNCERTIFIED TEACHERS,
PARTICULARLY IN ENGLISH, WORLD HISTORY & GEOGRAPHY**

Before the beginning of the 2017-2018 school year, Gateway recruited and hired a certified, highly qualified teacher for all positions. As Gateway experienced retention issues, it searched for certified teachers utilizing Shelby County Schools resources and external paid recruiting service, just as Shelby County Schools does for the same issue. Additionally, Gateway only employed teachers who were certified to teach in their licensed area or used co-teachers who were able to teach outside of the licensed areas. Gateway presented evidence regarding its teachers and instruction for the English, World History and Geography courses. Just like the other allegations in this matter, the facts presented related to this allegation do not demonstrate a material violation of Gateway's charter agreement as alleged in support of the revocation.

ALLEGATION 4:

**AN EMPLOYEE DID NOT CLEAR A BACKGROUND CHECK,
BUT WAS NEVERTHELESS EMPLOYED BY GATEWAY UNIVERSITY**

Gateway University conducted comprehensive background checks on all employees before hiring, which is consistent with its charter agreement and Tennessee law. Accordingly, there are no facts related to this allegation which demonstrate a material violation of Gateway's charter agreement as alleged in support of the revocation.

The record related to the four allegations does not demonstrate material violations of Gateway's charter agreement as required to support of the revocation. Accordingly, the revocation should be overturned.

Best regards,

A handwritten signature in blue ink, appearing to read 'J. Bennett Fox, Jr.', with a stylized, cursive script.

J. Bennett Fox, Jr.

Cc: Dr. Soseprialala S. Dede
Colby Mitchell
Stephane Cole